

# 130 St James Street

Burnley, Lancashire



**Proposal Description:**  
New Shop Front with Bi-Folding Doors to existing Cafe

**ANW**  
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ARCHITECTURE | DESIGN | PLANNING



# Design and Access Statement incorporating Planning & Heritage Statement

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## 1.0 Introduction

1.1 This Planning and Heritage statement has been prepared by ANW Architects in support of the Planning Application drawings issued to Burnley Borough Council Planning Department.

## 2.0 Planning Legislation & Conservation Area Character Appraisal

2.1 The government published Planning Guidance (PPS5) on the conservation of the National Historic assets.

2.2 Policy HE6 confirms that local Authorities are required to ensure that all applications for Listed Buildings consent provide a full description of the Heritage Asset. This is to include any works which will or not impact on the historic asset.

## 2.0 Detail Statement of The Site & Location)

2.1 The site is located within the town centre location on St James Street within a parade of retail shops.





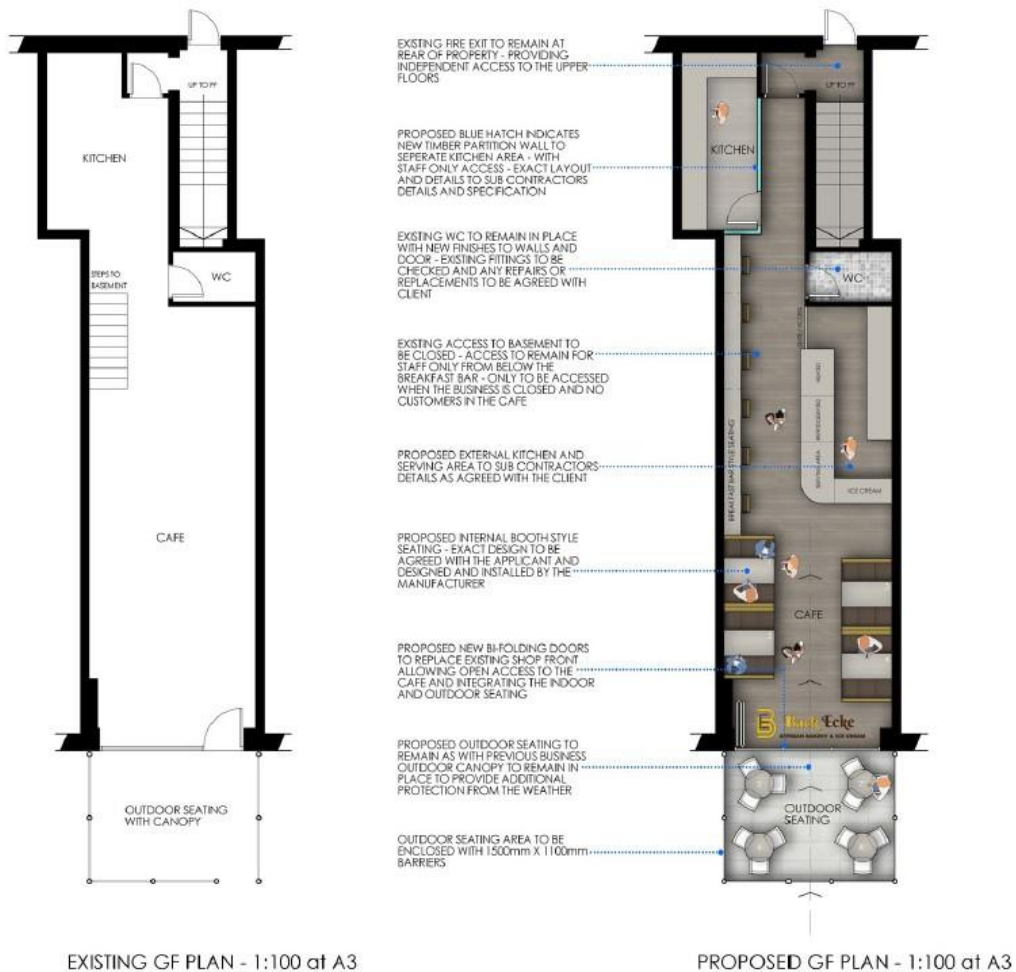
2.2 The application site is large stone-built three storey terraced property located on St James Street. It forms part of a terrace of 12 properties. The site is within Burnley Town Centre Conservation Area. The site is also located within Burnley Town Centre Boundary and identified as secondary frontage in Policy TC3 of the Burnley Local Plan.



Application Site

2.3 The overall site area is approximately 84 sq.mt

2.4 This proposal is to retain the existing Cafe use within the current E Class Category. The applicant hopes to change the current shop front into a new aluminium framed bi-folding door. This will allow the occupant to benefit from the indoor and outdoor seating.



### **3.0 Planning Policy Context National Planning Policy**

3.1 The revised National Planning Policy Framework (NPPF) published in July 2012, continues to make it clear that planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

3.2 The NPPF is itself a material consideration in planning decisions. The most relevant sections are as follows: • Section 2: Achieving Sustainable Development • Section 4: Decision-making • Section 11: Making effective use of land • Section 12: Achieving well-designed places • Section 16: Conserving and enhancing the historic environment

3.3 Relevant key paragraphs of the NPPF are included below: NPPF: 2. Achieving Sustainable Development

3.4 The following paragraphs relate to achieving sustainable development.

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

b) a social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

3.5 Paragraph 11 states: Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### **NPPF: 11. Making effective use of land.**

3.6 Paragraph 119 states: Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

#### **NPPF: 12. Achieving well-designed places.**

Paragraph 126 states: The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

#### **NPPF 16: Conserving and enhancing the historic environment.**

3.8 Paragraph 194 states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

- 3.9 Paragraph 206 states “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 3.10 Paragraph 207 states “Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”

### **Burnley Local Plan (July 2018)**

- 3.11 The development plan for the Borough of Burnley is the Burnley Local Plan adopted on the 31st July 2018.
- 3.12 The site is located within the Development Boundary for Burnley
- 3.13 The relevant policies within the adopted Burnley Local Plan are as follows:
- SP1 – Achieving Sustainable Development
  - SP4 - Development Strategy
  - SP5 - Development Quality and Sustainability
  - HE2 - Designated Heritage Assets
  - TC2 - Development within Burnley and Padiham Town Centres
  - TC3 – Burnley Town Centre – Primary and secondary frontages
- 3.14 The following policies are the most relevant to the determination of this application. Policy SP4: Development Strategy
- 3.15 Policy SP4 sets the development strategy for the borough and identifies the hierarchy for future development alongside designating development boundaries. The site is located with Burnley Town Centre which is a sustainable location for development.

### **Policy SP5: Development Quality and Sustainability**

- 3.16 Policy SP5 sets the criteria against which the quality and sustainability of a development will be assessed and includes the following:
1. Energy Efficiency
  2. Design and Layout
  3. Key Gateways
  4. Materials
  5. Accessibility

## 6. Security

### **Policy HE2: Designated Heritage Assets: Listed Buildings; Conservation Areas; and Registered Parks and Gardens**

#### **3.17 Policy HE2: states as follows:**

“1) Proposals affecting designated heritage assets and/or their settings will be assessed having regard to the desirability of sustaining and enhancing the significance of the asset and, where appropriate, securing a viable use most consistent with its conservation. All levels of harm should be avoided.”

#### **3.18 As with the NPPF, Policy HE2 goes on to identify the levels of harm and how they should be assessed and determined. The Policy States as follows:**

Less than Substantial Harm (i.e., Harm)

2. Where proposals would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefit of the proposal, including securing its optimum viable use.

3. In order to avoid harm to significance, proposals for works of alterations and extensions to a listed building or within a conservation area or historic park and garden will be expected to:

a) Conserve, and where appropriate repair or reinstate, those elements that contribute to the significance of the heritage asset including its design, character, architectural features of interest, appearance, structure, and principal components;

b) Use traditional, local materials and respect local building techniques and details;

c) Respect existing hard and soft landscape features including open space, trees, boundary treatments (railings and gates) and surfacing;

d) Respect layout and historic patterns of development including street patterns, characteristics of grain, plot boundaries and frontage widths.

4. In order to avoid harm to significance, development affecting the setting of a designated heritage asset will be expected to:

a) Maintain the aspects of the setting which contribute to its significance, including views into and out of it and the general relationship between the asset and the character of the surrounding landscape or townscape; and

b) Respect the character of existing architecture by having due regard to positioning and grouping of buildings, roofscapes and skylines, form, scale, enclosure, architectural styles, detailing, and use traditional or complimentary materials.

#### **Substantial Harm or Loss**

5. Consent will not be granted for proposals that lead to substantial harm to or the total loss of the significance of a designated heritage asset, unless robust evidence can demonstrate that the substantial



harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset is preventing all reasonable uses of the site;
- b) No viable use of the heritage asset that can be found in the medium term through appropriate marketing that will enable its conservation;
- c) Conservation by grant funding or charitable or public ownership of the asset is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefits of bringing the site back into use. Policy TC2: Development within Burnley and Padiham Town Centres

- 3.19 Policy TC2 states that the Council will seek to maintain and enhance the retail and service function of the town centre.

**Policy TC3: Burnley Town Centre – Primary and secondary frontages**

- 3.20 Policy TC3 defines the primary and secondary frontages on the policies map and states in terms of secondary frontages the following: Secondary Frontages “3) Proposals for changes of use, including through redevelopment, from retail [Class A1] to other uses at ground floor level will only be permitted where the proposal would not result in a concentration of non-A1 uses which would cumulatively (including any unimplemented planning permissions) amount to more than 40% of the length of the Secondary Frontage within any one of the defined sections.”

**Policy IC1: Sustainable Travel**

- 3.21 Policy IC1 seeks to promote sustainable travel and safe and convenient access and states how developments should be in areas well served by walking, cycling and public transport, maximise opportunities for sustainable travel and provide safe and convenient access

**Policy IC3: Car Parking Standards**

- 3.22 Policy IC3 sets the car parking standards for different types of development and details how for residential schemes development will be expected to provide a minimum number of parking spaces per new dwelling dependent on their location.

- 3.23 Appendix 9, paragraph 11 states as follows:

**Parking in Town Centre Locations**

“11. In the Town Centres of Burnley and Padiham or where schemes including redevelopment to secure the future of a heritage asset, the minimum standards (other than for taxi booking offices) may not be applied in full in cases where public parking exists nearby or where on-street parking is available and the development would not cause or exacerbate congestion, highway safety issues or on-street parking problems.”

**4.0 Planning Justification Principle of Development**

- 4.1 The site lies within to the Burnley Town Centre boundary and is designated as being secondary frontage. The site is also within the Burnley Town Centre Conservation Area.
- 4.2 Policy SP4 of the adopted Local Plan states that Burnley is the Borough's principal town, with the Town Centre and immediate surrounds expected to be the focus areas for retail development, both small and large-scale. The site is located within Burnley Town Centre. The application site is a sustainable location, with excellent access to services and infrastructure and is accessible by public transport, walking or cycling.
- 4.3 The proposed development is in accordance with SP4, providing retail development at ground floor within a highly sustainable location, making appropriate and effective use of an existing building.
- 4.4 Local Plan Policy TC2 states that the conversion or change of use of existing buildings within the Town Centres of Burnley and Padiham will be viewed favourably, whereby they meet the other policy requirements established within the Local Plan. Part (b) of Policy TC2 states that proposals for changes of use and conversions will be supported, if they do not undermine the overall mix of main Town Centre uses.
- 4.5 The uses proposed for the ground floor are main town centre uses which fall within the new Use Class E. The upper floors are proposed as office/studios which is also appropriate for a town centre.
- 4.6 The site lies within the secondary shopping area. Policy TC3 requires that where possible development at ground floor is retail. This application includes retail at the ground floor
- 4.7 The principle of the development is in accordance with the relevant policies of the Burnley Local Plan. Access and Parking
- 4.8 Pedestrian access is from St James Street, vehicular access for deliveries is from St James Street also
- 4.9 Appendix 9, paragraph 11 of the Burnley Local Plan states as follows:  
Supporting

#### **Parking in Town Centre Locations 11.**

In the Town Centres of Burnley and Padiham or where schemes including redevelopment to secure the future of a heritage asset, the minimum standards (other than for taxi booking offices) may not be applied in full in cases where public parking exists nearby or where on-street parking is available and the development would not cause or exacerbate congestion, highway safety issues or on-street parking problems.

- 4.10 The site has no available parking; however, the site is located within easy walking distance of a number of public car parks and a small number of short-stay (40-mins) car parking bays have been introduced outside the property during the high street regeneration works in 2021.
- 4.11 Given the location of the site within the town centre and close to existing public car parks, this is considered to be acceptable.
- 4.12 The proposed development is in accordance with Policy IC1 and IC3 of the Burnley Local Plan.

## **The proposed design**

- 4.13 The application is for a new bi-folding shop front to the current cafe. As stated previously, the application site is located within the Burnley Town Centre Conservation Area.
- 4.14 The proposed development includes the refurbishment of the internal elements alongside the new shop front. There will be new branding associated with the new occupant.
- 4.15 The proposal is considered to acceptable in design terms and in accordance with Policy SP5 of the Burnley Local Plan. Heritage
- 4.16 The Heritage statement assesses the impact on the significance of the Heritage Asset and concludes that the development will conserve and enhance the character of the conservation area and is in accordance with the National Planning Policy Framework and Policy HE2 of the Burnley Local Plan.

## **5.0 Conclusion**

- 5.1 The proposed development will provide a significant enhancement to Burnley Town Centre Conservation Area and will complement the other ongoing activities to improve this part of the Town Centre. 9.2 The proposed development is in accordance with Policies SP4, SP5, HS4, HE2, IC1 and IC3 of the Burnley Local Plan.

## **6.0 Heritage Assessment**

- 6.1 Description of site and proposed development – As described above.
- 6.2 The site is located within the defined Burnley Town Centre Conservation Area boundary; however, the building is not statutorily or locally listed.
- 6.3 This proposal seeks permission for the retention of the ground floor retail unit with the inclusion of the first floor showroom and associated store rooms above.
- 6.4 External changes to the building include:
- Replacement shop front

## **7.0. Heritage Statement**

- 7.1 Paragraph 194 [inter alia] of the National Planning Policy Framework states: “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

## **Policy Context**

- 7.2 The relevant national planning context is established by Section 16 of the National Planning Policy Framework (Conserving and Enhancing the Historic Environment, February 2019). Paragraph 206 states “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their

significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

- 7.3 Paragraph 207 of the National Planning Policy Framework states: “Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”
- 7.4 Paragraph 202 of the National Planning Policy Framework states: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”
- 7.8 The local context is established by Policy HE2 of the Burnley Local Plan

### **Impact of the proposal**

- 7.9 Policy HE2 of the Burnley Local Plan states that proposals affecting designated heritage assets and/or their settings will be assessed having regard to the desirability of sustaining and enhancing the significance of the asset and, where appropriate, securing a viable use most consistent with its conservation. All levels of harm should be avoided.”
- 8.0 The existing building was constructed as part of a group of 12 properties which have been unsympathetically altered over the years.
- 8.1 The building is constructed in stone with a slate roof.
- 8.2 There is no Town Centre Conservation Area Appraisal to take reference from, however, the remnants of the Victorian townscape still exist, and the retention of those which do survive is particularly important in terms of the preservation of the character and appearance of the conservation area.
- 8.3 The proposed development will replace the existing shop front in an aesthetically pleasing manner and improve the overall look and feel of the building.
- 8.4 The proposed development includes the installation of a new shop front to allow diners to enjoy the inside and outside space as one.
- 8.5 The proposed changes enhance the visual appearance of the building and will preserve and enhance the character of the Conservation Area.
- 8.6 The proposal will make a positive contribution to the local character and distinctiveness of the area.

### **9.0 Conclusion**

- 9.1 This application relates proposed development within the Burnley Town Centre Conservation Area.
- 9.2 This proposal will result in an enhancement to the visual appearance of the building through the proposed changes to the shop front.
- 9.3 The proposed changes will enhance the visual appearance of the building and will preserve and enhance the character of the Conservation Area.
- 9.4 This proposal is in accordance with the National Planning Policy Framework and Policy HE2 of the adopted Burnley Local Plan.